UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,635	09/26/2000	Elizabeth Sharpe	11854/1	6168

25693   7590   10/21/2003

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EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/670,635	SHARPE ET AL.
	Examiner	Art Unit
	Baoquoc N To	2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED   FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<p align="center">PERIOD FOR REPLY [check either a) or b)]</p>

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *Please see attachment.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or~~ appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-27*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

The applicants argue in claims 1, 14-15 and 17 that "Mizoguchi does not teach or suggest the generation and storing index information form a multitude of digital media items as disclosed by the applicants."

The examiner respectfully disagrees with the above argument because Mizoguchi discloses the numeric number "1", "2", "3", "4" are interconnected the event, time, a person a place, and other data. This association is indexing and storing between the presentation numbers and stored data (col.7, 43-46 and col. 9, lines 1-11). The functionalities of indexing and storing are included storing and retrieving of digital images as taught in Mizoguchi.

Applicants also argue in claims 2 and 18 that, "Mizoguchi does not teach or suggest a user identified within group."

The examiner respectfully disagrees with the above argument because Mizoguchi discloses "when one of the "person" key, "place" key, and "other data" key in the upper right portion 7b is operated, a list of person information, place information, and other information stored as the associated data of the image data in the memory card MC are displayed in accordance with the operated search key" (col. 10, lines 21-25). This clearly indicates that a user, for example Yoshida inputs (col. 9, lines 4-5) and the list of people is displayed. This means Yoshida is the person of this particular group.

Applicants also argue in claims 3 and 19 that, "Mizoguchi does not teach or suggest defining distinct groups of people with defined group event to distinguish episodic events memorable to the group."

The examiner disagrees with the above argument because Mizoguchi discloses "when the "person" in the upper right corner portion 7b is operated fig. 12, data indicating the presence of image data having the same person data as that having this data (e.g. "golf") is underlined and (displayed in this case, "party"). When a portion "golf" is operated, images having, as the associated data, the person data "Yoshida", "Inoue", and "Goto" having data "golf" are searched and displayed from the one closer to the time "1993/01/22/08/00-1993/01/22/17/00." This also teaches an identified group, for example group of Yoshida, Inoue and Goto are the people associated with this golf event which was different from the rest of other events.

Applicants argue in claims 4 and 20 that "Mizoguchi does not generated indexing information or any form indexes."

The examiner directed the applicant to the above argument of claims 1, 14-15 and 17.

Applicants also argue in claims 5 and 21 that "there is no indication, teaching, or suggestion by Mizoguchi of a memorable high point a given event, date or group of people as disclosed by Applicants."

The examiner respectfully disagrees with the above argument because the meaning of "high point" is the importance of date/time. For example, all the images of golf are search with the high point of time is "1993/01/22/08/00-1993/01/22/17/00." (Col. 9, lines 51-57 and col. 10, 14-17). The high point of time is the time the golf event occurred.

Applicants also argue in claims 6 and 22 that "Mizoguchi does not teach or suggest of a memorable high point."

The examiner disagrees with the above argument because claim was not explicitly defined what exactly memorable high point. Second, the high point the examiner is preferred to the time of the event occurred. For example the golf event which occurred in the point of time between "1993/01/22/08/00-1993/01/22/17/00" (col. 9, lines 51-57).

The applicants also argue in claims 7 and 23 that "Mizoguchi does not teach or suggest of an identification of the media type of the digital media item."

The examiner respectfully disagrees with the above argument because Mizoguchi discloses in the step S5, an event "golf" is added as data associated with the image (col. 8, lines 38-40). This clearly indicates the image is the media type and the golf is an identification of the this image.

The applicants also argue claims 8 and 24 that "Mizoguchi does not teach or suggest that form a user's input for a plurality of digital media items, the user is associated with the identified digital media items."

The examiner respectfully with the above argument because Mizoguchi discloses "a name of person (in this cased, "Yoshida"") is input, it can be recorded as associated data." (Col. 9, lines 2-11). In addition, Mazoguchi also discloses "when one of the "person key" key, "place" key, and "other data" key in the upper right portion 7b operated, a list of person information, place information, and other information stored as the associated data of the image data.." (col. 10, lines 19-25). When a user for example Yoshida is being inputted, Yoshida is referencing to a particular image or images that Yoshida participates.

The applicants also argue claims 9 and 25 that "Mizoguchi does not generate indexing information or any form of indexes". Please see the above argument of claims 1, 14-15 and 17.

The applicants also argue in claim 12 that "applicants respectfully submit that applicants's disclosed invention does not relate to the synchronization of video and audio frames, or the retrieval of time dependent data, as described in Batson."

The examiner respectfully disagrees with the applicant above argument because Mizoguchi teaches storing and searching images based on the event, people and time period. The missing teaching of Mizoguchi is the claimed notification to the user when the data is available. However, Baton also teaches media retrieval which allows the implementing the notification the user the availability of the data (col. 8, lines 41-51). Such modification would increase the system flexibility and enhance the user requirements.